

Office of the County Attorney

P.O. Box 884 • #16 Public Square North
Murfreesboro, Tennessee 37133-0884
615/898-7846

August 2, 2016

Honorable Ernest Burgess
Rutherford County Mayor
Rutherford County Courthouse
One Public Square
Murfreesboro, Tennessee 37130

RE: Public Chapter 1028

Dear Mayor Burgess:

Enclosed please find a letter received from the State of Tennessee Department of Environment and Conservation. You will note from the enclosure that it addresses Public Chapter 1028 which authorizes Rutherford County to exempt motor vehicles three model years or less old from the inspection and maintenance programs. In order for the exemption to be effective, the County Commission must authorize the exemption by a majority vote of the Commission no later than December 31, 2016. Thereafter, you as Chairman should submit a copy of the Resolution to the Technical Secretary of the Air Pollution Control Board no later than January 31, 2017. There are additional instructions likewise contained in the correspondence.

I understand you will process and forward this to the appropriate committee of the County for review and potential action by the County Commission.

If I can be of further assistance, please advise.

Sincerely,


James C. Cope



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

Air Pollution Control Division
312 Rosa L. Parks Avenue, 15th Floor
Nashville, TN 37243

Jim Cope – County Attorney
16 Public Square North
Murfreesboro, TN 37130

Certified Mail – 7007 0710 0004 8573 4638

July 14, 2016

Dear Mr. Cope:

We are writing to ensure that you are aware of recently enacted legislation, Public Chapter 1028 (attached), relative to exempting certain motor vehicles from inspection and maintenance (IM) programs.

Public Chapter 1028 authorizes counties to exempt motor vehicles three model years or less old from the IM program. In order for the exemption to be effective, the governing body of a county that has an IM program must authorize the exemption by an affirmative vote of the governing body no later than December 31, 2016, and the presiding officer of the governing body must submit a copy of the resolution to the Technical Secretary of the Air Pollution Control Board no later than January 31, 2017.

Resolutions must apply county-wide and cannot exempt only smaller jurisdictions within the county. A copy of the resolution should be sent to the following address:

Michelle Walker Owenby
Technical Secretary
Air Pollution Control Division
312 Rosa L. Parks Ave., 15th Floor
Nashville, TN 37243

We are requesting that the presiding officer notify the Technical Secretary in writing if the county determines it will not authorize the exemption in Public Chapter 1028. Please send this notification to the address noted above prior to January 31, 2017.

Please note that a resolution authorizing exemption will not take effect until:

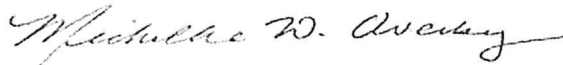
- (1) The Air Pollution Control Board has undertaken a revision to the State Implementation Plan (SIP) and associated rulemaking and the revision has been approved by the federal Environmental Protection Agency (EPA); and

(2) After the expiration or revision of any contract in effect with the contractor conducting the motor vehicle emissions testing in the county as of the date of EPA approval.

Motor vehicles two or three model years old will not be exempt in participating counties until the applicable resolution is effective.

The Department of Environment and Conservation will conduct outreach to inform the public when the additional model year exemptions will be effective. Should you need further information, please contact Greg Riggs at Greg.Riggs@tn.gov or (615) 532-0567.

Sincerely,



Michelle Walker Owenby
Technical Secretary, Air Pollution Control Board

cc: Mayor Megan Barry, Davidson County
Mayor Jim Copping, Hamilton County
Mayor Ernest Burgess, Rutherford County
County Executive Anthony Holt, Sumner County
Mayor Rogers Anderson, Williamson County
Mayor Randall Hutto, Wilson County

cc (electronic):
John Finke, Director, Division of Pollution Control Metro Public Health
Department
Robert Colby, Director, Chattanooga Hamilton County Air Pollution Control
Bureau

Attachments (1)



State of Tennessee

PUBLIC CHAPTER NO. 1028

SENATE BILL NO. 777

By Beavers, Kelsey

Substituted for: House Bill No. 721

By Pody, Hardaway, Rogers, Byrd, Lamberth, Gravitt, Sanderson, Parkinson, Lynn, Littleton

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 4, Part 1; Title 55, Chapter 6 and Title 68, Chapter 201, relative to motor vehicle inspection requirements.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-4-130, is amended by adding the following as a new subsection:

(h)(1) Any county that has been designated by the air pollution control board to have a vehicle inspection and maintenance program to attain or maintain compliance with national ambient air standards, may, by an affirmative vote of a majority of its governing body, exempt motor vehicles that are registered in the county that are required to undergo testing pursuant to § 55-4-101(d)(2), § 55-4-104(e)(2), or § 55-6-105(a)(9) and that are three (3) or less model years old from those motor vehicle inspection requirements; provided, that the governing body shall authorize the exemption on or before December 31, 2016, and the presiding officer of the governing body shall furnish a certified copy of the approved resolution to the technical secretary of the air pollution control board on or before January 31, 2017.

(2)(A) The exemption authorized by an action of a governing body pursuant to subdivision (h)(1) shall take effect on the January 1 following the date on which the United States Environmental Protection Agency (EPA) approves a revised state implementation plan consistent with this subsection (h); provided, however, that if on such January 1, a contract exists between the department and a contractor providing inspection services, or a local pollution control program and a contractor providing inspection services, then the exemption shall take effect in those jurisdictions that are covered by the contract upon the date of the contract's termination or expiration or the effective date of the contract's renewal or an applicable amendment to the inspection service fee of such contract.

(B)(i) The commissioner of environment and conservation shall certify in writing to the executive secretary of the Tennessee code commission the date of the approval by the EPA described in subdivision (h)(2)(A) and provide the executive secretary of the commission with a copy of such approval.

(ii) If a contract exists on the January 1 following the date of approval of the revised state implementation plan, then the commissioner or the chief public officer of the local pollution control program, whichever is applicable, shall also certify in writing the date of the department's or local pollution control program's contract termination or expiration or the effective date of the contract's renewal or an applicable amendment to the inspection service fee of such contract, and provide the executive secretary of the commission with a copy of the signed document.

SB 777

SECTION 2. The air pollution control board is authorized to promulgate rules to effectuate the purposes of this act. All such rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

SENATE BILL NO. 777

PASSED: April 21, 2016


RON RAMSEY
SPEAKER OF THE SENATE


BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 28th day of April 2016


BILL HASLAM, GOVERNOR